

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
2 A Limited Liability Partnership
3 Including Professional Corporations
4 NEIL A.F. POPOVIĆ, Cal. Bar No. 132403
5 npopovic@sheppardmullin.com
6 LAI L. YIP, Cal. Bar No. 258029
7 lyip@sheppardmullin.com
8 Four Embarcadero Center, 17th Floor
9 San Francisco, California 94111-4109
10 Telephone: 415.434.9100
11 Facsimile: 415.434.3947

12 Attorneys for Defendant
13 The FRS Company

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 LAWRENCE BRANDON, on behalf of
17 himself and all others similarly situated,

18 Plaintiff,

19 v.

20 The FRS Company, d/b/a The FRS
21 Healthy Energy Company,

22 Defendant.

23 Case No. 3:11-cv-06639-RS

24 The Hon. Richard Seeborg

25 **STIPULATION AND [PROPOSED]
26 ORDER TO STAY CASE PENDING
27 SETTLEMENT DISCUSSIONS AND
28 INFORMAL DISCOVERY, AND TO
CONTINUE CASE MANAGEMENT
CONFERENCE**

29 [No Hearing Required]

30 Complaint Filed: December 23, 2011

31 Trial Date: None Set

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STIPULATION

WHEREAS plaintiff Lawrence Brandon and defendant The FRS Company ("FRS") seek a stay of the case for sixty (60) days to pursue settlement discussions and exchange limited informal discovery in furtherance of those discussions;

5 WHEREAS the only time modifications in this case to date are: (1) the
6 Clerk's notice rescheduling the Case Management Conference from April 5, 2012 to April
7 12, 2012, after reassignment to Judge Seeborg (Dkt # 7); (2) the parties' stipulation to
8 extend time for FRS to respond to the complaint, to February 24, 2012 (Dkt #8); and
9 (3) the parties' stipulation to extend the briefing schedule for FRS's Motion to Strike
10 Portions of Complaint ("Motion"), such that plaintiff's opposition would be due March 16,
11 2012 and FRS's reply would be due March 29, 2012 (Dkt #12); and

12 WHEREAS a stay of the case for sixty (60) days would only affect the
13 schedule of the case by (1) staying the case up to and including May 21, 2012; (2) lifting
14 the stay on May 22, 2012; (3) extending the deadline for FRS to file its reply in support of
15 the Motion from March 29, 2012, to June 4, 2012, thirteen days after the stay is lifted;
16 (4) continuing the hearing on the Motion from April 12, 2012, to June 21, 2012, or a
17 subsequent date convenient to the Court; (5) continuing the Case Management Conference
18 from April 12, 2012, to June 21, 2012, or a subsequent date convenient to the Court; and
19 (6) extending the deadline for the parties to file their respective ADR Certifications to May
20 25, 2012, three days after the stay is lifted on May 22, 2012,

21 THEREFORE, pursuant to Local Rules 6-2, 7-12, and 16-2(e), and Judge
22 Seeborg's Standing Order Re: Initial Case Management, the parties through their
23 undersigned counsel stipulate, subject to the Court's approval, as follows:

24 (1) the case is stayed for sixty days, up to and including May 21, 2012;
25 (2) the stay will be lifted on May 22, 2012;
26 (3) the deadline for FRS to file its reply in support of the Motion is
27 extended to June 4, 2012;

(4) the hearing on the Motion is continued from April 12, 2012 at 1:30 p.m. to June 21, 2012 at 1:30 p.m., or whatever subsequent date and time is convenient to the Court;

4 (5) the Case Management Conference is continued from April 12, 2012 at
5 10:00 a.m. to June 21, 2012 at 10:00 a.m., or whatever subsequent date and time is
6 convenient to the Court; and

7 (6) the deadline for the parties to file their respective ADR Certifications
8 is extended to May 25, 2012.

9 | Dated: March 21, 2012

FINKELSTEIN THOMPSON LLP

By _____ */s/ Rosemary M. Rivas*
ROSEMARY M. RIVAS
Attorneys for Plaintiff
LAWRENCE BRANDON

Dated: March 21, 2012

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By _____ /s/ *Neil A.F. Popović*
NEIL A.F. POPOVIĆ
Attorneys for Defendant
THE FRS COMPANY

1 **CERTIFICATION**

2 I, Neil A.F. Popović, am the ECF User whose identification and password
3 are being used to file this STIPULATION AND [PROPOSED] ORDER TO STAY CASE
4 PENDING SETTLEMENT DISCUSSIONS AND INFORMAL DISCOVERY, AND TO
5 CONTINUE CASE MANAGEMENT CONFERENCE. Pursuant to General Order 45,
6 section X.B, I attest that Rosemary M. Rivas has concurred in this filing.

7 Dated: March 21, 2012

8 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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10 By

/s/ Neil A.F. Popović

11 NEIL A.F. POPOVIĆ
12 Attorneys for Defendant
13 THE FRS COMPANY

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1 **[PROPOSED] ORDER**

2 Having considered the Stipulation and [Proposed] Order to Stay Case
3 Pending Settlement Discussions and Informal Discovery; and to Continue Case
4 Management Conference entered into by plaintiff Lawrence Brandon and defendant The
5 FRS Company ("FRS"), and good cause appearing therefor,

6 IT IS ORDERED THAT:

7 (1) the case is stayed for sixty days, up to and including May 21, 2012;
8 (2) the stay will be lifted on May 22, 2012;
9 (3) the deadline for FRS to file its reply in support of its Motion to Strike
10 Portions of Complaint ("Motion") is extended to June 4, 2012;
11 (4) the hearing on the Motion is continued from April 12, 2012 at 1:30
12 p.m. to June 21, 2012 at 1:30 p.m.;
13 (5) the Case Management Conference is continued from April 12, 2012 at
14 10:00 a.m. to June 21, 2012 at 10:00 a.m.; and
15 (6) the deadline for the parties to file their respective ADR Certifications
16 is extended to May 25, 2012.

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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19 Dated: 3/21/12



20 Honorable Richard Seeborg
21 United States District Judge
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